

SENATE RESOLUTION 54
By McNally

A RESOLUTION relative to OSHA's Respiratory Protection Standard and its application to the health care industry.

WHEREAS, on November 15, 1994, the Occupational Safety and Health Administration (OSHA) published in the *Federal Register* the draft of a proposed revision of the Respiratory Protection Standard; and

WHEREAS, one of OSHA's oldest standards, this version of the Respiratory Protection Standard defines the conduct of the employer (e.g. hospital) with respect to respirator training, fit testing, medical examinations, use and storage; and

WHEREAS, after a series of public hearings and significant negative feedback from the health care industry, OSHA nevertheless implemented the Respiratory Protection Standard as "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities"; and

WHEREAS, many health care experts believe that the revised Respiratory Protection Standard does not adequately address the needs or the realities of the health care industry and the thousands of workers employed by such industry; and

WHEREAS, the most obvious discrepancies in the application of OSHA's Respiratory Protection Standard to the health care industry is that such standard was designed for application to industrial, rather than clinical settings; the respirator certification procedures never

anticipated use of the respirator for protection from biological, rather than chemical hazards; and such standard provides no reliable guidance as to the suitability of the dust-mist masks commonly in use for protection from tuberculosis; and

WHEREAS, furthermore, the transmission of tuberculosis has never been demonstrated in a health care institution using the dust-masks that were previously recommended by OSHA and commonly used in hospitals across the nation; and

WHEREAS, to date, there is no scientific data to demonstrate the superior efficacy of respirators over dust-mist masks in protecting health care workers from biological aerosols (e.g. tuberculosis), and there is no product available to provide absolute protection from biological aerosols, the hazardous exposure level to which has yet to be defined, but which could possibly consist of a single organism; and

WHEREAS, in addition, there are significant increased costs associated with the implementation of a respiratory protection program in a health care setting such as a hospital or medical center; and

WHEREAS, retraining, fitting and supplying each health care worker with a respirator is a labor intensive process that is neither a prudent utilization of time nor money; and

WHEREAS, the use of respirators also creates a barrier between the health care professional and the patient, thus creating an atmosphere deficient in human contact which adversely affects the quality of care; and

WHEREAS, there also exist alternative products which are as effective as the respirator at a lower cost; and

WHEREAS, in addition to the previously used dust-mist mask, the protective isolation mask has a bacterial filtration efficiency equal to the respirator and is more cost effective because the use of such masks would not entail the implementation of a respiratory protection program; and

WHEREAS, it would appear to this General Assembly to be execrable public policy to mandate the use of respirators in health care settings, when the superior efficacy of respirators in protecting workers from biological aerosols, specifically tuberculosis, has yet to be scientifically demonstrated, and when equally efficacious alternative products, which are more cost effective, are readily available; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That this General Assembly hereby memorializes the Occupational Safety and Health Administration (OSHA) to revise its Respiratory Protection Standard as such standard applies to the health care industry to permit the use of dust-mist masks, protective isolation masks or other equally efficacious alternative products instead of respirators to protect against exposure to and infection by biological aerosols (e.g. tuberculosis) in health care settings.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be transmitted to the Executive Director of OSHA and to each member of Tennessee's Congressional delegation.

A RESOLUTION relative to OSHA's Respiratory Protection Standard and its application to the health care industry.

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